Status of Claims

Claims 1, 3, 5, 7, 9, 10, 13, 15-17, and 27-30 were pending at the time of the Final Office Action.

Claims 1, 3, 5, 7, 9, 10, 13, 15-17, and 27-30 were rejected by the Final Office Action and remain rejected after the Advisory Action.

REMARKS

The following remarks address the Examiner's arguments provided in the Advisory Action.

1. The Examiner argues that it is improper to show nonobviousness by attacking references individually where the rejections are based on combinations of references. The Examiner cited In re Keller, 208 USPQ 871 and In re Merck & Co. 231 USPQ 375 for this proposition.

The cited cases both relate to arguments about the motivation to combine references. They stand for the proposition that both references must be considered together to determine whether they provide motivation to one skilled in the art to combine their teachings.

The cited cases do not apply to the situation where an essential element of a claimed invention is not found in either reference. None of the references cited by the Examiner teach or suggest a quilt batt with a thermoplastic adhesive applied to the batt. Since none of the references teach such a quilt batt, no combination could include that element. Motivation to combine is irrelevant when an element is missing.

2. As noted previously, the Examiner agrees that Wright does not teach quilting material, in particular a quilt batt with a thermoplastic adhesive on its surface. The Examiner notes that Wright recites fabric used for making household decorations, furnishing textile garments and furniture coverings.

The Examiner has cited a new reference, Field US Patent 5,855,032, for the proposition that a quilt is used for a decorative purpose in bedroom décor. Applicant agrees that a quilt serves a decorative purpose.

However, Applicant disagrees with the Examiner's conclusion that Wright's recitation of household decorations therefore includes quilting materials, in particular quilt batting having a surface coating of thermoplastic adhesive.

Every teaching of Wright relates to an element that is to be applied to the surface of a textile product, for example an iron-on trim, i.e. decoration. The only specific product shown in the drawings of Wright is a seam binding. The binding is a structural element applied to the inner surface of a hem to form the hem, to hold it in place and to prevent unraveling of the cut edge of the fabric. There is nothing in Wright that teaches or suggests an interlining used between two fabric. There is nothing to teach or suggest that the trim or finding would be a web or batting that provides loft to a quilt. The trims or findings of Wright have inherently strong structures, whereas a quilt batt is inherently weak and must have covers to provide strength to the batt. These functional differences show that quilt batting is not analogous to any of the products discussed by Wright.

3. With respect to the Rose reference, the Examiner disagrees with Applicant's position that Rose does not teach or suggest a batting, i.e. a web that can provide loft to a quilt. The Examiner notes the INDA Nonwovens Glossary definitions of interlining and batting do not expressly recite the word "loft".

Attached to this response is the INDA definition of "loft" which reads in its entirety as: "The properties of bulk and resilience of a fabric or batt." This definition of loft is not consistent with the definition of interlining, i.e. "A fabric used in garments, to provide weight, thickness (or body) and stability." This definition of loft is consistent with the definition of batting, i.e. "A soft, bulky assembly of fibers usually used for filling, formed by carding, garneting, air laying or other means."

The definition of loft includes both bulk and resilience. These are the same properties as "soft, bulky" recited for batting. The wording of the present claims eliminates any doubt in the meaning of the claims as they relate to the defined terms. The present claims are limited to a "non-woven fibrous web". They are also limited to

such a web that is "selected to provide loft to a quilt". These words were selected as a result of prosecution of a related case to clearly distinguish what a quilt batt is as opposed to a garment interlining.

The Examiner has cited a new reference to support his position. The Conway et al. US Pat. 3,960,652 is for a "Process of Forming Wet Laid Tufted Nonwoven Fibrous Web and Tufted Product." This method modifies a paper making system to produce absorbent products that may be made from wood pulp, e.g. paper towels. The Examiner cites col. 4, lines 58-61 for the proposition that Conway teaches a non-woven product with high loft. However, at that point Conway discusses the "tufts" that are produced by its papermaking process. Conway states that: "The tufts may be consolidated or serried during manufacture to yield a "puff" configuration that also imparts high loft, bulk and absorbency to the web material." Thus, Conway is discussing a feature of the tufts and not of the bulk of the product.

The Examiner further asserts that Conway, at col. 14, lines 31-65 teaches that its product is used as interlining for clothing, liners, covers, reinforcing material and decoration. Based on this assertion, the Examiner concludes that the combination of Wright and Rose recite the instant invention.

The Applicant disagrees.

In the cited portion portion of Conway, the first sentence states that the "tufted non-woven web material is particularly well suited for use in the manufacture of various "disposable" items." This sentence makes two points clear. Conway teaches a "tufted non-woven" product, which is clearly different from a quilt batt or batting. Conway is directed to disposable items, not a permanent item such as a quilt.

The second sentence lists disposable items for which the product is "particularly well suited". These include "novelty clothing including interlining for clothing."

The third sentence lists other disposable items for which "the tufted web material **may** also be advantageously employed". These include: tray covers, sleeping bag liners, and bed pad liners and covers.

The only reference to decoration is found in the fourth sentence wherein it is stated that: "…laminated structures could also be formed from the nonwoven web material of the present invention including laminates for … decorative sliding door paper…"

A full reading of Conway makes it clear that Conway relates to disposable products, e.g. paper towels and coffee filters, which are improved by generation of tufts on the surface of the product to make it more absorbent and make if feel more like a woven cloth product. But, Conway does not suggest that its product could function like a nonwoven web selected to provide loft to a quilt.

The disposable products of Conway are not analogous in any way to the quilt products of the present invention or to the products of the Rose reference. The Conway reference does not support the Examiner's position.

4. The Examiner disagrees with the Applicant's position re claims 29 and 30. In particular, the Examiner asserts that these claims do not recite the binding of the fibers to each other. The Applicant submits that one skilled in the art knows that a web is converted to a batt by a binding or bonding process in which the fibers of the web are bonded to each other. This is commonly referred to as binding or bonding the fibers, with the understanding that this means to each other. Claims 29 and 30 were drafted consistently with this common understanding. However, to avoid any further doubt of the meaning, these claims have been amended to include the word "together". This additional word is supported in the specification in paragraphs 23, 24, 25, 26, and 28.

The Examiner further cites Wright, col. 4, lines 10-22, for the proposition that Wright recites that the adhesive is heated to sufficiently low viscosity to permit the adhesive or resin to be pressed into the interstices of the textile fabrics, where it encapsulates the fibers and forms a strong bond.

However, in that same cited portion, Wright also states that: "Nevertheless, the resin does not become fluid so as to be absorbed or "wicked" into the fabric fibers." Thus the resin does not flow into the body of the fabric and could not bind the fibers of a web together.

That portion also states that: "In this way when subsequently cooled, the resin hardens to encapsulate the fibers, and where used between two fabrics a strong bond is formed at least equal in strength to that of the encapsulated fibers." Thus the teaching is that to the extent that the resin encapsulates some of the fibers, e.g. at the surface, the bond will be as strong as the encapsulated fibers. But that is the bond between the two

fabric layers, not the bond between fibers forming a quilt batt. The bond does not reach all the fibers in the fabric since the resin is not wicked into the fabric fibers.

These teachings of Wright have nothing to do with a process for bonding fibers of a web to form a batt.

The Applicant submits that none of the references taken alone, nor any combination of the references, makes the presently claimed invention obvious.

CONCLUSION

Applicant respectfully submits that the present application, as amended, is in condition for allowance. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encouraged to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge any fees that may be due in connection with this communication, or credit any overpayment thereof, to Deposit Account No. 50-1515, Conley Rose, P.C.

Respectfully submitted,

Date: 4-19-07

Albert C. Metrailer
Reg. No. 27,145

ATTORNEY FOR APPLICANT

CONLEY ROSE, P.C.
5700 Granite Parkway, Suite 330
Plano, Texas 75024
Tel: (972) 731-2288
Fax: (972) 731-2289

Lint
Particles and short fibers that fall off a fabric product during the stresses of use.

Linters
Short cotton fibers not removed from the cottonseed after the spinnable fibers are removed on first pass through the gin. Linters are cut from the seed. Linters are used to make cellulose-based chemicals and rayon.

Loft
The properties of bulk and resilience of a fabric or batt.

Long staple
A long fiber. Typically used to describe the length of fibers used in the wet forming process by the paper industry.

Long-life nonwoven
Synonymous with Durable nonwoven.

Lubricant
An oil or other substance added to fibers to improve their processability in carding.